

## **REMARKS**

### **Summary of Claim Status**

Prior to entry of the foregoing amendment, Claims 1-14 were pending in the present application. Claims 2, 8 and 14 have been canceled without prejudice by the foregoing amendment. Following entry of the foregoing amendment, Claims 1, 3-7 and 9-13 remain pending in the application with Claims 1, 6, 7, 12 and 13 being independent claims and the remaining claims being dependent claims.

### **Claim Objections**

The Office Action states that Claims 2 and 8 were objected to due to the informality that they include the language “these angles being different from those included in the attribute information of the first image data unit.” The Office Action further states that “the examiner cannot find any other type of angles disclosed in the specification other than pan angles, tilt angles and zoom angles.” The Office Action requests further explanation. Claims 2 and 8 have been canceled and the limitations thereof have been moved into the independent claims. Furthermore, the language of these limitations has been changed to further clarify the claimed invention. Further explanation can also be found in the specification, for example, in paragraphs [0043] and [0044].

Applicant believes that the claim objections have been overcome and respectfully requests reconsideration and withdrawal of the objections.

### **Rejections Under 35 U.S.C. § 101**

The Office Action states that Claim 13 was rejected under 35 U.S.C. § 101 because “Claim 13 is drawn to functional descriptive material NOT claimed as residing on a computer readable medium.” Claim 13 has been amended to recite a computer-readable medium.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection under 35 U.S.C. § 101.

**Rejections Under 35 U.S.C. § 102**

Claims 1, 3-7 and 9-14 were rejected under 35 U.S.C. § 102(b) as being anticipated by Shiiyama (U.S. Patent No. 6,400,853) (hereinafter, "the Shiiyama reference").

As described in Claim 1, a feature of the present invention can be explained as follows. Attribute information, namely, pan angles, tilt angles, and zoom angles are compared between a selected first image data unit and remaining image data units, before measuring similarity indices. Then, if it is determined that a pan angle, a tilt angle, and a zoom angle of one of the remaining image data units is respectively different from that of the selected first image data unit, the one of the remaining image data unit is excluded from image data units to be used for measuring a similarity index.

As the Office Action suggests, the Shiiyama reference discloses a technique adapted to enable retrieval of an image, even if there is a change in the image due to a variation in photographing condition such as a photographing angle. However, the Shiiyama reference does not teach or suggest the features of the present invention described above.

Accordingly, Claim 1 is believed allowable.

Because independent Claim 1 is believed allowable, all of the claims depending therefrom, i.e., Claims 3-5 are also believed allowable for at least the same reasons as discussed above with reference to Claim 1. Furthermore, each dependent claim is also deemed to define an additional aspect of the invention, and individual consideration of each on its own merits is respectfully requested.

Claim 6 includes similar limitations to Claim 1 and is believed allowable for at least the same reasons as discussed above with reference to Claim 1.

Claim 7 includes similar limitations to Claim 1 and is believed allowable for at least the same reasons as discussed above with reference to Claim 1.

Because independent Claim 7 is believed allowable, all of the claims depending therefrom, i.e., Claims 9-11 are also believed allowable for at least the same reasons as discussed above with reference to Claim 7. Furthermore, each dependent claim is also deemed to define an additional aspect of the invention, and individual consideration of each on its own merits is respectfully requested.

Claim 12 includes similar limitations to Claim 1 and is believed allowable for at least the same reasons as discussed above with reference to Claim 1.

Claim 13 includes similar limitations to Claim 1 and is believed allowable for at least the same reasons as discussed above with reference to Claim 1.

### **Rejections Under 35 U.S.C. § 103**

Claims 2 and 8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Shiiyama reference.

As described above, Claims 2 and 8 have been canceled and the limitations thereof incorporated into Claims 1 and 7, respectively. Furthermore, as described above, the Shiiyama reference does not teach or suggest all of the limitations of the claims. Furthermore, it would not have been obvious to one of ordinary skill to modify the teachings of the Shiiyama reference to include the features of the claims not taught or suggested by the Shiiyama reference.

### **CONCLUSION**

Applicant respectfully submits that all of the claims pending in the application meet the requirements for patentability and respectfully requests that the Examiner indicate the allowance of such claims.

Any amendments to the claims which have been made in this response which have not been specifically noted to overcome a rejection based upon prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

If any additional fee is required, please charge Deposit Account Number 502456.

Should the Examiner have any questions, the Examiner may contact  
Applicant's representative at the telephone number below.

Respectfully submitted,

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/Marlene Klein/

Date

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